

## **REMARKS**

### **Status of the Claims**

Claims pending in the above-identified application are Claims 1, 3-5, 7, and 17. Claims 2, 6, 8-10, 12, 14, 16, and 18 are canceled. Claim 1 is amended. The amendments do not introduce new matter into the above-identified application. Support for the amendments is found throughout the specification.

### **The Rejection Under 35 USC § 102**

Claims 1-10, 12, 14, and 16-18 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,962,081 to *Dobry et al.* ("*Dobry*"). In view of the above amendment to Claim 1, Applicants respectfully assert that this rejection is obviated.

The PTO states that *Dobry* discloses "depositing uniformly on a backing material a smooth layer of a mixture of fine particles and flat plastic chips...and specifically shows that plastic chips (10) are imbedded in the matrix of fine granules (11)..." The PTO cites *Dobry*, col. 1, lines 49-65 to support this contention. However, Applicants maintain that *Dobry* describes scattering plastic chips onto a layer of particles. *Dobry* does not teach or suggest forming a rolled linoleum sheet from the layer of particles and then scattering plastic chips onto the rolled linoleum sheet. Indeed, *Dobry* states that "[a]fter the web is covered with the pieces of plastic composition...the covered web is pulled into a press 50 which applies heat and pressure to the web, thereby consolidating the plastic composition into a smooth uniform sheet" (col. 4, lines 1-5, emphasis added). Further, *Dobry* does not discuss cutting the linoleum sheet, rotating the sheets 90°, stacking the cut linoleum sheets, and rolling the stacked linoleum to form a patterned product.

The invention as claimed in Claim 1 is directed to a process to produce a patterned linoleum sheet by dispersing mixed mass particles onto at least one side of a rolled linoleum sheet and warp-free pressing the particles into the linoleum sheet. As described on page 9, lines 11-18, mixed linoleum mass A is rolled into linoleum

sheet B. Then, mixed mass C is dispersed onto rolled linoleum sheet B and pressed into linoleum sheet B using a pressing tool. Further, after pressing the particles into the linoleum sheet, the sheet is cut, rotated 90°, and stacked into a sheet stack. The sheet stack is subsequently rolled into a pattern providing sheet.

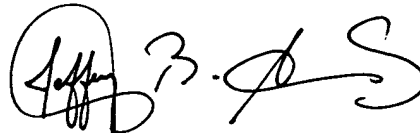
In contrast, *Dobry* describes a process including (a) dispersing plastic chips onto a layer of particles and (b) heating and pressing the particles and plastic chips to form a sheet (col. 3, lines 14-20; col. 4, lines 1-5). *Dobry* neither teaches nor suggests a process comprising (a) dispersing mixed mass particles onto a rolled linoleum sheet and (b) pressing the particles into the rolled linoleum sheet. Further, *Dobry* nowhere mentions or suggests cutting the linoleum sheet, rotating it 90°, stacking the cut sheets into a sheet stack, and rolling the sheet stack to produce a patterned linoleum product. Thus, *Dobry*, does not teach or suggest every element of the invention as claimed in Claims 1, 3-5, 7, and 17. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

**Conclusion**

In view of the above remarks, Applicants respectfully assert that the rejection of the claims as set forth in the Office Action has been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and requests that an early notice of allowance be issued. If issues may be resolved through Examiner's Amendment, or clarified in any manner, a call to the undersigned attorney at (404) 879-2433 is respectfully requested.

No fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffery B. Arnold", enclosed within a circular stamp.

By: Jeffery B Arnold  
Reg. No. 39,540

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
P.O. Box 7037  
Atlanta, Georgia 30357-0037  
Direct Telephone: (404) 879-2433  
Direct Facsimile: (404) 879-2933  
Firm Telephone: (404) 872-7000

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